

## **Guidance 6 – Unacceptable Behaviour**

### **1. Introduction**

- 1.1** All members of the public have the right to be heard, understood and respected. The same courtesy also needs to be extended to Community Councillors who are representing their community as a volunteer.
- 1.2** It is understood that emotion and distress are sometimes felt by residents when an issue has had a significant impact on their lives, but this does not excuse or justify the mistreatment of others. In circumstances where unacceptable behaviour is experienced by any member of the Community Council, the Community Council should take appropriate action to protect its members.

### **2. Definition of Unacceptable Actions**

Unacceptable actions can fall into the following categories:

#### **2.1 Aggressive or abusive behaviour**

In person, within or outwith Community Council meetings and online. This includes language and the tone in which the message is delivered which can be verbal or in written form. This includes anything that may cause members to feel afraid, threatened or abused and may include threats, personal abuse, derogatory remarks or rudeness.

#### **2.2 Unreasonable demands or level of contact**

A demand becomes unreasonable when it starts to impact excessively on the work of members dealing with the matter, especially if this impacts on other members of the public. This could include:

- Repeatedly demanding responses within an unreasonable timescale;
- Demanding responses from several members on the same subject;
- Insisting on seeing, meeting or speaking to a particular member when that is either not possible or it is inappropriate
- Repeatedly changing the substance of an enquiry or complaint or raising unrelated concerns
- Repeatedly posing a question, when a response has already been given, because the individual may not like the answer they have received.

The level of contact is unacceptable when the amount of time spent talking to a member of the public on the telephone, or reviewing and responding to written or electronic communication, impacts the ability to deal with the relevant matter or on the ability of members to deal with other items of business and statutory responsibilities.

### **3. Responding to Aggressive or Abusive Actions**

- 3.1 If any individual is persistently aggressive or abusive to any member of the Community Council within a meeting the Chair will have the authority to ask the person to leave the meeting. Where they refuse to do so the Chair can stop the meeting and re-schedule the business to another day.
- 3.2 Where correspondence is received or someone posts on social media something which is of an abusive nature towards a Community Councillor or the Community Council as a whole or it contains inflammatory or malicious allegations that are unfounded, the Community Council should inform the individual that their language or content of the message is considered to be offensive, unnecessary and unhelpful. The person should be asked to amend their correspondence or social media post, otherwise it will not be responded to.
- 3.3 Under section 127 of the Communications Act 2003, it is a criminal offence to use electronic communication networks to send offensive, obscene messages or messages that the sender knows to be false. The individual to whom these messages relate would be within their rights to refer the matter to the Police.
- 3.4 If the issue arises to a Community Councillor outwith a meeting the Community Councillor will bring it to the attention of the Chair who will report the behaviour to the other Community Council Members for them to consider appropriate action.

### **4. Responding to unreasonable demands or levels of contact**

- 4.1 Where an individual unreasonably and repeatedly phones, raises the same issue, or sends excessive written or electronic communication, the Community Council may decide to:
- Limit contact by phone or written submission
  - Restrict contact to written correspondence only
  - Refuse to deal with further calls, written or electronic communication
- 4.2 Any decision to restrict contact should be taken by the Community Council at a meeting and minuted.

### **5. Response to Recurring and persistent unacceptable behaviours**

- 5.1 Where there are repeated incidents of aggressive or abusive behaviour, longer term decisions to restrict an individual's contact with the Community Council may be taken. The Chair should report the circumstances to the Community Council for consideration providing detailed information about the nature and frequency of the issues. The individual should be given the

opportunity to change their behaviour before a decision to restrict contact is taken.

- 5.2 If the Community Council considers that the behaviour has continued for too long or there has been no improvement, they should consider restricting contact with the individual. The Community Council should consider the type of restriction and the time period this would be in place.
- 5.3 Any decision to restrict contact needs to be a decision of the Community Council at a meeting and recorded in the minutes. The Community Council should notify the individual within seven days of the decision.